

MERCHANT, GOULD, SMITH, EDELL, WELTER & SCHMIDT

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **DEVICE FOR DELIVERING LOCALIZED X-RAY RADIATION TO AN INTERIOR OF A BODY AND METHOD OF MANUFACTURE.**

The specification of which

- a. ☐ is attached hereto
- b. ☒ is entitled **DEVICE FOR DELIVERING LOCALIZED X-RAY RADIATION TO AN INTERIOR OF A BODY AND METHOD OF MANUFACTURE**, having an attorney docket number 11694.7US11.
- c. ☐ was filed on _____ as application serial no. _____ and was amended on _____ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. _____ filed _____ and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
- b. ☐ such applications have been filed as follows:

| FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119 | | | |
|--|--------------------|--------------------------------------|-------------------------------------|
| COUNTRY | APPLICATION NUMBER | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) |
| | | | |
| ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S) | | | |
| COUNTRY | APPLICATION NUMBER | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) |
| | | | |

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. APPLICATION NUMBER | DATE OF FILING (day, month, year) | STATUS (patented, pending, abandoned) |
|-------------------------|-----------------------------------|---------------------------------------|
| | | |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| U.S. PROVISIONAL APPLICATION NUMBER | DATE OF FILING (Day, Month, Year) |
|-------------------------------------|-----------------------------------|
| 60/002,722 | 24 August 1995 |
| 60/006,708 | 14 November 1995 |

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

| | | | |
|------------------------|-----------------|-------------------------|-----------------|
| Adriano, Sarah B. | Reg. No. 34,470 | Kowalchyk, Alan W. | Reg. No. 31,535 |
| Batzli, Brian H. | Reg. No. 32,960 | Kowalchyk, Katherine M. | Reg. No. 36,848 |
| Beard, John L. | Reg. No. 27,612 | Krull, Mark A. | Reg. No. 34,205 |
| Beck, Robert C. | Reg. No. 28,184 | Lacy, Paul A. | Reg. No. 38,946 |
| Bejin, Thomas E. | Reg. No. 37,089 | Lasky, Michael B. | Reg. No. 29,555 |
| Berman, Charles | Reg. No. 29,249 | Lynch, David W. | Reg. No. 36,204 |
| Bogucki, Raymond A. | Reg. No. 17,426 | Mau, Michael L. | Reg. No. 30,087 |
| Bruess, Steven C. | Reg. No. 34,130 | McDaniel, Karen D. | Reg. No. 37,674 |
| Byrne, Linda M. | Reg. No. 32,404 | McDonald, Daniel W. | Reg. No. 32,044 |
| Canady, Karen S. | Reg. No. 39,927 | McDonald, Wendy M. | Reg. No. 32,427 |
| Carlson, Alan G. | Reg. No. 25,959 | McIntyre, Iain A. | Reg. No. 40,377 |
| Cartier, Charles G. | Reg. No. 35,093 | Miller, William D. | Reg. No. 37,988 |
| Caspers, Philip P. | Reg. No. 33,227 | Mueller, Douglas P. | Reg. No. 30,300 |
| Chiapetta, James R. | Reg. No. 39,634 | Nasiedlak, Tyler L. | Reg. No. 40,099 |
| Clifford, John A. | Reg. No. 30,247 | Nelson, Albin J. | Reg. No. 28,650 |
| Conrad, Timothy R. | Reg. No. 30,164 | Pauly, Daniel M. | Reg. No. 40,123 |
| Cooper, Victor G. | Reg. No. 39,641 | Plunkett, Theodore | Reg. No. 37,209 |
| Crawford, Robert | Reg. No. 32,122 | Pollinger, Steven J. | Reg. No. 35,326 |
| Daignault, Ronald A. | Reg. No. 25,968 | Reich, John C. | Reg. No. 37,703 |
| Daley, Dennis R. | Reg. No. 34,994 | Reiland, Earl D. | Reg. No. 25,767 |
| Daulton, Julie R. | Reg. No. 36,414 | Schmaltz, David G. | Reg. No. 39,828 |
| Davidson, Ben M. | Reg. No. 38,424 | Schmidt, Cecil C. | Reg. No. 20,566 |
| DiPietro, Mark J. | Reg. No. 28,707 | Schuman, Mark D. | Reg. No. 31,197 |
| Edell, Robert T. | Reg. No. 20,187 | Schumann, Michael D. | Reg. No. 30,422 |
| Epp Ryan, Sandra | Reg. No. 39,667 | Sebald, Gregory A. | Reg. No. 33,280 |
| Farber, Michael B. | Reg. No. 32,612 | Sharp, Janice A. | Reg. No. 34,051 |
| Funk, Steven R. | Reg. No. 37,830 | Skoog, Mark T. | Reg. No. 40,178 |
| Gabilan, Mary Susan | Reg. No. 38,729 | Smith, Jerome R. | Reg. No. 35,684 |
| Gates, George H. | Reg. No. 33,500 | Stinebruner, Scott A. | Reg. No. 38,323 |
| Golla, Charles E. | Reg. No. 26,896 | Sumner, John P. | Reg. No. 29,114 |
| Gorman, Alan G. | Reg. No. 38,472 | Sumners, John S. | Reg. No. 24,216 |
| Gould, John D. | Reg. No. 18,223 | Tellekson, David K. | Reg. No. 32,314 |
| Gresens, John J. | Reg. No. 33,112 | Underhill, Albert L. | Reg. No. 27,403 |
| Hamre, Curtis B. | Reg. No. 29,165 | Vandenburgh, J. Derek | Reg. No. 32,179 |
| Hillson, Randall A. | Reg. No. 31,838 | Welter, Paul A. | Reg. No. 20,890 |
| Hollingsworth, Mark A. | Reg. No. 38,491 | Williams, Douglas J. | Reg. No. 27,054 |
| Johnston, Scott W. | Reg. No. 39,721 | Wood, Gregory B. | Reg. No. 28,133 |
| Kastelic, Joseph M. | Reg. No. 37,160 | Xu, Min S. | Reg. No. 39,536 |
| Kettelberger, Denise | Reg. No. 33,924 | | |

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant, Gould, Smith, Edell, Welter & Schmidt to the contrary.

Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:

Merchant, Gould, Smith, Edell,
Welter & Schmidt
3100 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402-4131

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | | |
|----------------------------|----------------------------|--|---------------------------------------|--|
| 2 | Full Name Of Inventor | Family Name Chornenky | First Given Name Victor | Second Given Name I. |
| 0 | Residence & Citizenship | City Minnetonka | State or Foreign Country Minnesota | Country of Citizenship U.S.A. |
| 1 | Post Office Address | Post Office Address 5525 Mayview Road | City Minnetonka | State & Zip Code/Country Minnesota 55345/U.S.A. |
| Signature of Inventor 201: | | | Date: 2/25/97 | |
| 2 | Full Name Of Inventor | Family Name Forman | First Given Name Michael | Second Given Name R. |
| 0 | Residence & Citizenship | City St. Paul | State or Foreign Country Minnesota | Country of Citizenship U.S.A. |
| 2 | Post Office Address | Post Office Address 2026 Pinehurst Avenue | City St. Paul | State & Zip Code/Country Minnesota 55116/U.S.A. |
| Signature of Inventor 202: | | | Date: Feb. 25, 1997 | |
| 2 | Full Name Of Inventor | Family Name | First Given Name | Second Given Name |
| 0 | Residence & Citizenship | City | State or Foreign Country | Country of Citizenship |
| 3 | Post Office Address | Post Office Address | City | State & Zip Code/Country |
| Signature of Inventor 203: | | | Date: | |
| 2 | Full Name Of Inventor | Family Name | First Given Name | Second Given Name |
| 0 | Residence & Citizenship | City | State or Foreign Country | Country of Citizenship |
| 4 | Post Office Address | Post Office Address | City | State & Zip Code/Country |
| Signature of Inventor 204: | | | Date: | |
| 2 | Full Name Of Inventor | Family Name | First Given Name | Second Given Name |
| 0 | Residence & Citizenship | City | State or Foreign Country | Country of Citizenship |
| 5 | Post Office Address | Post Office Address | City | State & Zip Code/Country |
| Signature of Inventor 205: | | | Date: | |

DECLASSIFICATION

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

or (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

(i) Opposing an argument of unpatentability relied on by the Office, or

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(1) Each inventor named in the application:

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Victor Ivan Chornenky, *et al.*

Appl. No. Not Yet Assigned

Filed: On a date herewith

For: **Device for Delivering Localized X-Ray
Radiation and Method of Manufacture**

Art Unit:

Examiner:

Atty. Docket: P775 CON 3

**Revocation of Prior Power of Attorney and Appointment of New
Attorneys of Record**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, having express authority to represent Medtronic AVE, Inc., the assignee of the entire right, title, and interest in the above-captioned application, hereby revokes all powers of attorney heretofore given in the above-captioned application and appoints as its attorneys: Catherine C. Maresh, 35,268; Michael J. Jaro, Registration No. 34,472; Janis J. Biksa, Registration No. 33,648 and James F. Crittenden, Registration No. 39,560, with full power of substitution, association, and revocation, to prosecute said application and to transact all business in the United States Patent and Trademark Office connected therewith.

The undersigned hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send all correspondence to:

IP Legal
MEDTRONIC AVE, INC.
3576 Unocal Place
Santa Rosa, California 95403

Direct telephone calls to Catherine C. Maresh at (707) 543-0221.

On behalf of **Medtronic AVE, Inc.:**

FOR: Medtronic AVE, Inc.

SIGNATURE:

Catherine C. Maresh

BY: Catherine C. Maresh

TITLE: Patent Counsel

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Victor Ivan Chornenky, *et al.*

Appl. No. 09/123,669

Filed: July 28, 1998

For: **Device for Delivering Localized X-Ray
Radiation and Method of Manufacture**

Art Unit: 3734

Examiner: Not Yet Assigned

Atty. Docket: P775 CON 1

**Revocation of Prior Power of Attorney and Appointment of New
Attorneys of Record**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, having express authority to represent Medtronic AVE, Inc., the assignee of the entire right, title, and interest in the above-captioned application, by assignment dated June 23, 1997 and by merger dated January 31, 2000, (attached herewith), hereby revokes all powers of attorney heretofore given in the above-captioned application and appoints as its attorneys: Richard L. Klein, Registration No. 33,330; Susan M. Schmitt, Registration No. 34,427; Catherine C. Maresh, 35,268; Deanna J. Shirley, Registration No. 39,026; and James F. Crittenden, Registration No. 39,560, with full power of substitution, association, and revocation, to prosecute said application and to transact all business in the United States Patent and Trademark Office connected therewith.

The undersigned hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send all correspondence to:

Richard L. Klein
MEDTRONIC AVE, INC.
3576 Unocal Place
Santa Rosa, California 95403

Direct telephone calls to Catherine C. Maresh at (707) 543-0221.

On behalf of Medtronic AVE, Inc.:

FOR: Medtronic AVE, Inc.

SIGNATURE:

BY: Richard L. Klein

TITLE: Chief Patent Counsel and
Vice President